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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854
7590 03/15/2006				
Mr. S H DWORETSKY AT & T CORP ROOM 2A-207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER SPOONER, LAMONT M	
			ART UNIT 2654	PAPER NUMBER

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,686

Applicant(s)

HIRSCHBERG ET AL.

Examiner

Lamont M. Spooner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-10, 24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 24 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/1/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 9/1/05 have been fully considered and are persuasive, regarding claims 1 and 24. However, In response to applicant's arguments, p.10, paragraph 1, "Epstein does not disclose using the identity provided by the voice mail subscriber to create a storage folder for a specific speaker of the voice mail message, as required by amended claim 1." The Examiner fails to see how one may use an identity to create a storage folder.
3. Applicant's arguments with respect to claim 8 has been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 4, 5, 9, 10, 24, 27-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

More specifically, the Examiner fails to locate anywhere in the disclosure and teaching pertaining to, "using the identity provided by the voice mail subscriber to create a storage folder for a specific speaker of the voice mail message." as claimed in claim 1 lines 12 and 13 and similarly claimed in claim 24 lines 11-13.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343) in view of Walsh et al (5,797,124), and further in view of Murveit et al. (Murveit, US 6,766,295).

As per claim 8, Epstein et al teach a method for indexing voice mail messages, comprising:

"Receiving one or more voice mail messages from one or more callers" (col. 6, lines 50-55);

"Determining the identity of each of the one or more callers in each of the one or more voice mail messages by comparing the speech signals from each of the one or more voice mail messages with one or more caller speaker models" (col. 7, lines 22-26);

"Tagging each of the one or more voice mail messages with the respective identity of the caller for each respective voice mail message" (abstract, the system is able of tagging the identity of a caller, col. 5, lines 37-45, his identification tagger 30); and

when the identify of the caller of a voice mail message cannot be determined; tagging that voice mail message as unknown" (col. 7, lines 55-61, if the identity of the caller ultimately cannot be identified, the user (voice mail subscriber) 12 may program the system through the programming interface 38 to process the call based on the unknown caller; and the system may be programmed to store the name and originating telephone number of every caller at col. 8, lines 15-17)

It is noted that Epstein et al teach the claimed invention but does not explicitly teach receiving an identity of the unknown message caller from a voice mail subscriber. However, this feature is well known in the art as evidenced by Walsh et al who teach in figure 2 at col. 3, lines 27 to col. 4, line 42, the subscriber can tag the voice message of the caller using commands such as the "tag" command that marks the speech recognition template associated with the tagged message and saves the template

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Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into Epstein the tag command as taught by Walsh et al because the system would treat any new message from the same caller in a special manner where the retrieving party could identify particular callers and provide special handling for subsequent calls from those particular callers.

It is further noted that Epstein and Walsh do not explicitly teach, wherein the voice mail message tagged as unknown is used to adapt a previously created speaker model. However, this feature is well known in the art as evidenced by Murveit, who teaches adapting a previously created speaker model (abstract) in a first session with a speaker. Therefore, at the time of the invention, it would have been obvious to modify Epstein's model with a modified model for a first encounter for the benefit of improving the speech recognition system for a speaker (abstract) who's identity is to be determined.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
3/4/06



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SUPERVISORY PATENT EXAMINER